

HOUSE BILL 320

M3
HB 748/09 – ENV

0lr1839
CF 0lr1840

By: **Delegate Beitzel**
Introduced and read first time: January 27, 2010
Assigned to: Environmental Matters

A BILL ENTITLED

1 AN ACT concerning

2 **Maryland Dormant Mineral Interests Act**

3 FOR the purpose of stating the purpose of this Act; authorizing a certain owner of real
4 property to maintain an action to terminate a certain mineral interest under
5 certain circumstances; establishing certain actions that constitute use of a
6 mineral interest; requiring a certain owner to bring a certain action in the
7 circuit court of a certain jurisdiction under certain circumstances; authorizing
8 an owner of a mineral interest to record the mineral interest under certain
9 circumstances; providing that a mineral interest is preserved in the county in
10 which the notice is recorded; authorizing certain individuals to record a certain
11 notice under certain circumstances; requiring certain information to be included
12 in a certain notice; requiring a mineral interest to be identified in a certain
13 manner; requiring a court to permit a certain owner to record a late notice
14 under certain circumstances; authorizing the circuit court of a certain
15 jurisdiction to place a severed mineral interest into trust under certain
16 circumstances, to appoint a trustee for the trust, and to order or authorize the
17 trustee to take certain actions on behalf of the trust; authorizing a person
18 vested in certain property to institute proceedings to create a trust and to
19 appoint a trustee; authorizing a certain trustee to file a petition containing
20 certain elements to terminate the trust and to convey title to a severed mineral
21 interest under certain circumstances; requiring the court to enter an order
22 requiring the trustee to convey the title to a severed mineral interest to a
23 certain party under certain circumstances; requiring the trustee to take certain
24 actions if the court issues the order; providing that certain surface owners are
25 entitled to certain proceeds after the conveyance of the severed mineral interest
26 by the trustee; requiring the court to terminate the trust and discharge the
27 trustee after receiving a certain report from the trustee; providing that a certain
28 lease will remain in force and effect following certain events unless it has
29 previously expired by its own terms; requiring certain provisions to be
30 administered in accordance with the Maryland Rules; requiring certain notice,
31 forms, and hearing procedures to be in accordance with the Maryland Rules;

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.
[Brackets] indicate matter deleted from existing law.



1 defining certain terms; providing for the application of this Act; making the
2 provisions of this Act severable; and generally relating to dormant mineral
3 interests.

4 BY adding to
5 Article – Environment
6 Section 15–1201 through 15–1206 to be under the new subtitle “Subtitle 12.
7 Maryland Dormant Mineral Interests Act”
8 Annotated Code of Maryland
9 (2007 Replacement Volume and 2009 Supplement)

10 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
11 MARYLAND, That the Laws of Maryland read as follows:

12 **Article – Environment**

13 **SUBTITLE 12. MARYLAND DORMANT MINERAL INTERESTS ACT.**

14 **15–1201.**

15 (A) IN THIS SUBTITLE THE FOLLOWING WORDS HAVE THE MEANINGS
16 INDICATED.

17 (B) “MINERAL INTEREST” MEANS AN INTEREST IN A MINERAL ESTATE,
18 HOWEVER CREATED AND REGARDLESS OF FORM, WHETHER ABSOLUTE OR
19 FRACTIONAL, DIVIDED OR UNDIVIDED, CORPOREAL OR INCORPOREAL,
20 INCLUDING A FEE SIMPLE OR ANY LESSER INTEREST OR ANY KIND OF ROYALTY,
21 PRODUCTION PAYMENT, EXECUTIVE RIGHT, NONEXECUTIVE RIGHT,
22 LEASEHOLD, OR LIEN IN MINERALS, REGARDLESS OF CHARACTER.

23 (C) “MINERAL” INCLUDES:

24 (1) GAS;

25 (2) OIL AND OIL SHALE;

26 (3) COAL;

27 (4) GASEOUS, LIQUID, AND SOLID HYDROCARBONS;

28 (5) CEMENT MATERIALS, SAND AND GRAVEL, ROAD MATERIALS,
29 AND BUILDING STONE;

30 (6) CHEMICAL SUBSTANCES;

1 (7) **GEMSTONE, METALLIC, FISSIONABLE, AND NONFISSIONABLE**
2 **ORES; AND**

3 (8) **COLLOIDAL AND OTHER CLAY, STEAM, AND GEOTHERMAL**
4 **RESOURCES.**

5 (D) **“SEVERED MINERAL INTEREST” MEANS A MINERAL INTEREST THAT**
6 **IS SEVERED FROM THE INTEREST IN THE SURFACE ESTATE OVERLYING THE**
7 **MINERAL INTEREST.**

8 (E) **“SURFACE ESTATE” MEANS AN INTEREST IN THE ESTATE**
9 **OVERLYING A MINERAL INTEREST.**

10 (F) (1) **“SURFACE OWNER” MEANS ANY PERSON VESTED WITH A**
11 **WHOLE OR UNDIVIDED FEE SIMPLE INTEREST OR OTHER FREEHOLD INTEREST**
12 **IN THE SURFACE ESTATE.**

13 (2) **“SURFACE OWNER” DOES NOT INCLUDE THE OWNER OF A**
14 **RIGHT-OF-WAY, EASEMENT, OR LEASEHOLD ON THE SURFACE ESTATE.**

15 (G) (1) **“UNKNOWN OR MISSING OWNER” MEANS ANY PERSON VESTED**
16 **WITH A SEVERED MINERAL INTEREST WHOSE PRESENT IDENTITY OR LOCATION**
17 **CANNOT BE DETERMINED:**

18 (I) **FROM THE RECORDS OF THE COUNTY WHERE THE**
19 **SEVERED MINERAL INTEREST IS LOCATED; OR**

20 (II) **BY DILIGENT INQUIRY IN THE VICINITY OF THE**
21 **OWNER’S LAST KNOWN PLACE OF RESIDENCE.**

22 (2) **“UNKNOWN OR MISSING OWNER” INCLUDES THE HEIRS,**
23 **SUCCESSORS, OR ASSIGNEES OF AN UNKNOWN OR MISSING OWNER.**

24 **15-1202.**

25 (A) (1) **EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
26 **SUBSECTION, THIS SUBTITLE APPLIES TO ALL MINERAL INTERESTS.**

27 (2) **THIS SUBTITLE DOES NOT APPLY TO A MINERAL INTEREST:**

28 (I) **HELD BY THE UNITED STATES OR A NATIVE AMERICAN**
29 **TRIBE, EXCEPT TO THE EXTENT PERMITTED BY FEDERAL LAW; OR**

1 **(II) HELD BY THE STATE OR AN AGENCY OR POLITICAL**
2 **SUBDIVISION OF THE STATE, EXCEPT TO THE EXTENT PERMITTED BY STATE**
3 **LAW.**

4 **(B) THE PURPOSE OF THIS SUBTITLE IS TO MAKE UNIFORM THE LAW**
5 **GOVERNING DORMANT MINERAL INTERESTS AMONG THE STATES.**

6 **(C) THIS SUBTITLE DOES NOT LIMIT OR AFFECT ANY OTHER**
7 **PROCEDURE PROVIDED BY LAW FOR CLEARING AN ABANDONED MINERAL**
8 **INTEREST FROM TITLE TO REAL PROPERTY.**

9 **(D) THIS SUBTITLE DOES NOT LIMIT OR AFFECT WATER RIGHTS.**

10 **15-1203.**

11 **(A) (1) ON OR AFTER OCTOBER 1, 2011, A SURFACE OWNER OF REAL**
12 **PROPERTY THAT IS SUBJECT TO A MINERAL INTEREST MAY MAINTAIN AN**
13 **ACTION TO TERMINATE A DORMANT MINERAL INTEREST.**

14 **(2) A MINERAL INTEREST IS DORMANT FOR THE PURPOSE OF**
15 **THIS SUBTITLE IF:**

16 **(I) THE MINERAL INTEREST IS UNUSED FOR A PERIOD OF**
17 **20 OR MORE YEARS PRECEDING THE COMMENCEMENT OF TERMINATION OF THE**
18 **MINERAL INTEREST; AND**

19 **(II) NOTICE OF THE MINERAL INTEREST WAS NOT**
20 **RECORDED DURING THE PERIOD OF 20 OR MORE YEARS PRECEDING THE**
21 **COMMENCEMENT OF TERMINATION OF THE MINERAL INTEREST.**

22 **(B) (1) THE ACTION MUST BE IN THE NATURE OF AND REQUIRE THE**
23 **SAME NOTICE AS IS REQUIRED IN AN ACTION TO QUIET TITLE AS SET FORTH IN**
24 **§ 14-108 OF THE REAL PROPERTY ARTICLE.**

25 **(2) THE ACTION MAY BE MAINTAINED, WHETHER OR NOT THE**
26 **OWNER OF THE SEVERED MINERAL INTEREST IS AN UNKNOWN OR MISSING**
27 **OWNER.**

28 **(C) (1) EXCEPT AS PROVIDED IN PARAGRAPH (2) OF THIS**
29 **SUBSECTION, THE FOLLOWING ACTIONS TAKEN BY OR UNDER THE AUTHORITY**
30 **OF THE OWNER OF A MINERAL INTEREST IN RELATION TO ANY MINERAL THAT IS**
31 **PART OF THE MINERAL INTEREST SHALL CONSTITUTE USE OF THE ENTIRE**
32 **MINERAL INTEREST:**

1 **(I) ACTIVE MINERAL OPERATIONS ON OR BELOW THE**
2 **SURFACE OF THE REAL PROPERTY OR OTHER PROPERTY UTILIZED OR POOLED**
3 **WITH THE REAL PROPERTY, INCLUDING PRODUCTION, GEOPHYSICAL**
4 **EXPLORATION, EXPLORATORY OR DEVELOPMENTAL DRILLING, MINING,**
5 **EXPLOITATION, AND DEVELOPMENT OF MINERALS;**

6 **(II) PAYMENT OF TAXES ON A SEPARATE ASSESSMENT OF**
7 **THE MINERAL INTEREST OR OF A TRANSFER OR SEVERANCE TAX RELATING TO**
8 **THE MINERAL INTEREST, IN ACCORDANCE WITH § 8-229 OF THE**
9 **TAX – PROPERTY ARTICLE;**

10 **(III) RECORDATION OF AN INSTRUMENT THAT CREATES,**
11 **RESERVES, OR OTHERWISE EVIDENCES A CLAIM TO, OR THE CONTINUED**
12 **EXISTENCE OF, THE MINERAL INTEREST, INCLUDING AN INSTRUMENT THAT**
13 **TRANSFERS, LEASES, OR DIVIDES THE INTEREST; AND**

14 **(IV) RECORDATION OF A JUDGMENT OR DECREE THAT**
15 **MAKES A SPECIFIC REFERENCE TO THE MINERAL INTEREST.**

16 **(2) THE INJECTION OF SUBSTANCES FOR THE PURPOSE OF**
17 **DISPOSAL OR STORAGE DOES NOT CONSTITUTE USE OF A MINERAL INTEREST.**

18 **(D) (1) A SURFACE OWNER OF REAL PROPERTY THAT IS SUBJECT TO**
19 **A MINERAL INTEREST WHO BRINGS AN ACTION TO TERMINATE A DORMANT**
20 **MINERAL INTEREST IN ACCORDANCE WITH THIS SECTION SHALL BRING THE**
21 **ACTION IN THE CIRCUIT COURT OF THE JURISDICTION IN WHICH THE REAL**
22 **PROPERTY IS LOCATED.**

23 **(2) A COURT ORDER THAT TERMINATES A MINERAL INTEREST**
24 **MERGES THE TERMINATED MINERAL INTEREST, INCLUDING EXPRESS AND**
25 **IMPLIED APPURTENANT SURFACE RIGHTS AND OBLIGATIONS, WITH THE**
26 **SURFACE ESTATE IN SHARES PROPORTIONATE TO THE OWNERSHIP OF THE**
27 **SURFACE ESTATE, SUBJECT TO EXISTING LIENS FOR TAXES OR ASSESSMENTS.**

28 **(E) THIS SECTION SHALL APPLY NOTWITHSTANDING ANY PROVISION TO**
29 **THE CONTRARY IN:**

30 **(1) THE INSTRUMENT THAT CREATES, RESERVES, TRANSFERS,**
31 **LEASES, DIVIDES, OR OTHERWISE EVIDENCES THE CLAIM TO, OR THE**
32 **CONTINUED EXISTENCE OF, THE MINERAL INTEREST; OR**

33 **(2) ANOTHER RECORDED DOCUMENT, UNLESS THE INSTRUMENT**
34 **OR OTHER RECORDED DOCUMENT PROVIDES AN EARLIER TERMINATION DATE.**

1 15-1204.

2 (A) (1) AN OWNER OF A MINERAL INTEREST MAY RECORD, AT ANY
3 TIME, A NOTICE OF INTENT TO PRESERVE THE MINERAL INTEREST OR A PART
4 OF A MINERAL INTEREST.

5 (2) A MINERAL INTEREST IS PRESERVED IN THE COUNTY IN
6 WHICH THE NOTICE IS RECORDED.

7 (B) (1) THE FOLLOWING INDIVIDUALS MAY RECORD A NOTICE IN
8 ACCORDANCE WITH SUBSECTION (A) OF THIS SECTION:

9 (I) AN OWNER OF THE MINERAL INTEREST;

10 (II) ANOTHER PERSON ACTING ON BEHALF OF THE OWNER
11 IF THE OWNER:

12 1. IS DISABLED OR UNABLE TO ASSERT A CLAIM ON
13 THE OWNER'S BEHALF; OR

14 2. CANNOT BE IDENTIFIED; OR

15 (III) A CO-OWNER, FOR THE BENEFIT OF ANY OR ALL
16 CO-OWNERS.

17 (2) A NOTICE RECORDED UNDER SUBSECTION (A) OF THIS
18 SECTION SHALL CONTAIN:

19 (I) THE NAME OF THE OWNER OF THE MINERAL INTEREST,
20 OR THE CO-OWNERS OR OTHER PERSONS FOR WHOM THE MINERAL INTEREST IS
21 TO BE PRESERVED; OR

22 (II) IF THE IDENTITY OF THE OWNER CANNOT BE
23 DETERMINED, INFORMATION THAT STATES THAT THE OWNER CANNOT BE
24 DETERMINED; AND

25 (III) AN IDENTIFICATION OF THE MINERAL INTEREST OR
26 PART OF THE MINERAL INTEREST TO BE PRESERVED, IN ACCORDANCE WITH
27 SUBSECTION (C) OF THIS SECTION.

28 (C) A MINERAL INTEREST SHALL BE IDENTIFIED BY:

1 (1) A REFERENCE TO THE LOCATION IN THE RECORDS OF THE
2 INSTRUMENT THAT CREATES, RESERVES, OR OTHERWISE EVIDENCES THE
3 INTEREST;

4 (2) THE JUDGMENT OR DECREE THAT CONFIRMS THE MINERAL
5 INTEREST;

6 (3) A LEGAL DESCRIPTION OF THE MINERAL INTEREST, IF
7 ACCOMPANIED BY A REFERENCE TO THE NAME OF THE RECORD OWNER UNDER
8 WHOM THE OWNER OF THE MINERAL INTEREST CLAIMS; OR

9 (4) A GENERAL REFERENCE TO ANY OR ALL MINERAL INTERESTS
10 OF THE OWNER IN ANY REAL PROPERTY SITUATED IN THE COUNTY, IF:

11 (i) A PREVIOUSLY RECORDED INSTRUMENT CREATED,
12 RESERVED, OR OTHERWISE EVIDENCED THE MINERAL INTEREST; OR

13 (ii) A JUDGMENT OR DECREE CONFIRMS THE MINERAL
14 INTEREST.

15 **15-1205.**

16 (A) IN THIS SECTION, "LITIGATION EXPENSES" MEANS COSTS AND
17 EXPENSES THAT THE COURT DETERMINES ARE REASONABLY AND NECESSARILY
18 INCURRED IN PREPARING FOR AND PROSECUTING AN ACTION, INCLUDING
19 REASONABLE ATTORNEY'S FEES.

20 (B) IN AN ACTION TO TERMINATE A MINERAL INTEREST IN
21 ACCORDANCE WITH § 15-1203 OF THIS SUBTITLE, THE COURT SHALL PERMIT
22 THE OWNER OF THE MINERAL INTEREST TO RECORD A LATE NOTICE OF INTENT
23 TO PRESERVE THE MINERAL INTEREST AS A CONDITION OF DISMISSAL OF THE
24 ACTION, IF THE OWNER OF THE MINERAL INTEREST PAYS THE LITIGATION
25 EXPENSES INCURRED BY THE SURFACE OWNER OF THE REAL PROPERTY THAT IS
26 SUBJECT TO THE MINERAL INTEREST.

27 (C) THIS SECTION DOES NOT APPLY IN AN ACTION IN WHICH A MINERAL
28 INTEREST HAS BEEN UNUSED IN ACCORDANCE WITH § 15-1203 OF THIS
29 SUBTITLE FOR A PERIOD OF 40 YEARS OR MORE PRECEDING THE
30 COMMENCEMENT OF THE ACTION.

31 **15-1206.**

32 (A) IF THE TITLE TO A SEVERED MINERAL INTEREST IS VESTED IN AN
33 UNKNOWN OR MISSING OWNER, THE CIRCUIT COURT OF THE COUNTY WHERE

1 THE SEVERED MINERAL INTEREST IS LOCATED MAY ON PETITION, AND AFTER
2 NOTICE AND A HEARING:

3 (1) PLACE THE SEVERED MINERAL INTEREST IN TRUST BY
4 ORDER;

5 (2) APPOINT A TRUSTEE FOR THE UNKNOWN OR MISSING OWNER;

6 (3) ORDER THE TRUSTEE TO CREATE A SEPARATE TRUST BANK
7 ACCOUNT TO MANAGE ALL TRUST ASSETS;

8 (4) AUTHORIZE THE TRUSTEE TO SELL, EXECUTE, AND DELIVER A
9 VALID LEASE ON THE MINERALS; AND

10 (5) PLACE CONDITIONS ON THE AUTHORIZATION IN ITEM (4) OF
11 THIS SUBSECTION.

12 (B) A PETITION TO CREATE A TRUST FOR A SEVERED MINERAL
13 INTEREST AND TO APPOINT A TRUSTEE UNDER SUBSECTION (A) OF THIS
14 SECTION MAY BE FILED BY A PERSON VESTED IN:

15 (1) FEE SIMPLE WITH THE WHOLE OR UNDIVIDED INTEREST IN
16 THE SURFACE ESTATE OR ESTATES;

17 (2) FEE SIMPLE WITH THE WHOLE OR UNDIVIDED INTEREST IN
18 MINERAL INTERESTS THAT ARE ADJACENT AND CONTIGUOUS TO THE SEVERED
19 MINERAL INTEREST VESTED IN AN UNKNOWN OR MISSING OWNER; OR

20 (3) A VALID MINERAL LEASE WITH THE WHOLE OR UNDIVIDED
21 INTEREST IN THE INTERESTS SET FORTH IN ITEM (1) OR (2) OF THIS
22 SUBSECTION.

23 (C) (1) IF THE UNKNOWN OR MISSING OWNER OF A VESTED SEVERED
24 MINERAL INTEREST DOES NOT CONTEST A TRUST CREATED UNDER SUBSECTION
25 (A)(1) OF THIS SECTION ON OR BEFORE 5 YEARS AFTER THE DATE THAT THE
26 COURT ISSUED THE ORDER CREATING THE TRUST, THE TRUSTEE SHALL FILE A
27 PETITION TO TERMINATE THE TRUST AND TO CONVEY TITLE TO THE SEVERED
28 MINERAL INTEREST TO THE SURFACE OWNERS.

29 (2) THE PETITION IN PARAGRAPH (1) OF THIS SUBSECTION
30 SHALL:

31 (I) NAME AS DEFENDANTS:

1 1. **THE SURFACE OWNERS; AND**

2 2. **ANY OTHER PERSON WITH A LEGAL INTEREST IN**
3 **THE SEVERED MINERAL INTEREST, INCLUDING ANY UNKNOWN OR MISSING**
4 **OWNERS; AND**

5 **(ii) INCLUDE:**

6 1. **A LEGAL DESCRIPTION OF THE SEVERED**
7 **MINERAL INTEREST;**

8 2. **A DESCRIPTION OF THE PUTATIVE PROPERTY**
9 **INTERESTS OF EACH OF THE PARTIES;**

10 3. **THE LAST KNOWN ADDRESS OF EACH OF THE**
11 **PARTIES;**

12 4. **AN AFFIDAVIT SIGNED BY THE SURFACE OWNERS,**
13 **AFFIRMING FEE SIMPLE OWNERSHIP OF THE SURFACE ESTATE OR ESTATES,**
14 **AND REQUESTING THE COURT TO CONVEY TITLE TO THE SEVERED MINERAL**
15 **INTEREST AT ISSUE; AND**

16 5. **AN AFFIDAVIT SIGNED BY THE TRUSTEE,**
17 **AFFIRMING THAT:**

18 **A. AFTER CONDUCTING A DILIGENT INQUIRY,**
19 **INCLUDING A SEARCH IN THE COUNTY WHERE THE SEVERED MINERAL**
20 **INTEREST IS LOCATED, PERFORMED IN ACCORDANCE WITH GENERALLY**
21 **ACCEPTED STANDARDS OF TITLE EXAMINATION OF THE LAND RECORDS OF THE**
22 **COUNTY, RECORDS OF REGISTER OF WILLS OF THE COUNTY, AND RECORDS OF**
23 **THE CIRCUIT COURT FOR THE COUNTY, THE TRUSTEE CANNOT LOCATE THE**
24 **UNKNOWN OR MISSING OWNER; AND**

25 **B. THERE IS A PERSON WILLING TO PURCHASE A**
26 **MINERAL LEASE FOR THE SEVERED MINERAL INTEREST HELD BY THE**
27 **UNKNOWN OR MISSING OWNER.**

28 **(D) FOLLOWING A PETITION BY THE TRUSTEE MADE UNDER**
29 **SUBSECTION (C) OF THIS SECTION, THE COURT SHALL, AFTER NOTICE, HOLD A**
30 **HEARING ON THE MOTION AND ENTER AN ORDER REQUIRING THE TRUSTEE TO**
31 **CONVEY THE UNKNOWN OR MISSING OWNER'S MINERAL INTEREST TO THE**
32 **NAMED SURFACE OWNERS IF:**

1 **(1) THE UNKNOWN OR MISSING OWNER DOES NOT APPEAR TO**
2 **CONTEST THE PETITION; AND**

3 **(2) THE COURT FINDS THAT THE INDIVIDUALS NAMED IN THE**
4 **PETITION AS THE SURFACE OWNERS ARE IN FACT THE FEE SIMPLE OWNERS OF**
5 **THE SURFACE ESTATE OR ESTATES.**

6 **(E) IF THE COURT ORDERS THE CONVEYANCE IN ACCORDANCE WITH**
7 **SUBSECTION (D) OF THIS SECTION, THE TRUSTEE SHALL:**

8 **(1) CONVEY BY RECORDABLE INSTRUMENT THE UNKNOWN OR**
9 **MISSING OWNER'S SEVERED MINERAL INTEREST TO THE NAMED SURFACE**
10 **OWNERS;**

11 **(2) PAY FROM ANY TRUST ACCOUNT ALL REQUIRED TAXES,**
12 **COURT COSTS, EXPENSES, AND FEES, INCLUDING ANY FEE FOR SERVICES TO**
13 **THE TRUSTEE AUTHORIZED BY THE COURT;**

14 **(3) PAY ANY BALANCE REMAINING IN ANY TRUST ACCOUNT**
15 **AFTER THE PAYMENTS SET FORTH IN ITEM (2) OF THIS SUBSECTION TO THE**
16 **NAMED SURFACE OWNERS;**

17 **(4) CLOSE ANY TRUST ACCOUNT; AND**

18 **(5) MAKE A FINAL REPORT TO THE COURT ACCOUNTING FOR THE**
19 **FINANCIAL TRANSACTIONS OF THE TRUST.**

20 **(F) AFTER THE CONVEYANCE TO THE SURFACE OWNERS IN**
21 **ACCORDANCE WITH SUBSECTION (E) OF THIS SECTION, THE SURFACE OWNERS**
22 **SHALL BE ENTITLED TO RECEIVE ALL PROCEEDS FROM THE LEASE OF THE**
23 **MINERAL INTEREST CONVEYED.**

24 **(G) AFTER RECEIVING THE FINAL REPORT OF THE TRUSTEE IN**
25 **ACCORDANCE WITH SUBSECTION (E)(5) OF THIS SECTION, THE COURT SHALL**
26 **ORDER THE TRUST TERMINATED AND THE TRUSTEE DISCHARGED.**

27 **(H) A LEASE AUTHORIZED BY THE COURT UNDER SUBSECTION (A)(4) OF**
28 **THIS SECTION SHALL CONTINUE IN FORCE AND EFFECT AFTER THE**
29 **TERMINATION OF THE TRUST OR THE MERGER OF THE MINERAL INTEREST WITH**
30 **THE SURFACE ESTATE OR ESTATES UNLESS THE LEASE HAS PREVIOUSLY**
31 **EXPIRED BY ITS OWN TERMS.**

32 **(I) (1) A TRUST CREATED UNDER THIS SECTION SHALL BE**
33 **ADMINISTERED BY THE COURT AS PROVIDED BY THE MARYLAND RULES.**

1 **(2) UNDER THIS SECTION, PROCEDURES FOR NOTICE TO**
2 **INTERESTED PERSONS, THE FORMS OF PETITIONS, AND THE CONDUCT AND**
3 **REQUIREMENTS AT A HEARING SHALL BE AS PROVIDED BY THE MARYLAND**
4 **RULES.**

5 SECTION 2. AND BE IT FURTHER ENACTED, That if any provision of this
6 Act or the application thereof to any person or circumstance is held invalid for any
7 reason in a court of competent jurisdiction, the invalidity does not affect other
8 provisions or any other application of this Act which can be given effect without the
9 invalid provision or application, and for this purpose the provisions of this Act are
10 declared severable.

11 SECTION 3. AND BE IT FURTHER ENACTED, That this Act shall take effect
12 October 1, 2010.